

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)	
)	
Triangle Communication System, Inc.)	WC Docket No. 09-197
)	
Petitions for FCC Agreement to)	
Redefine the Study Areas of Rural)	
Telephone Companies in Montana)	
To: Wireline Competition Bureau		

REPLY COMMENTS

Montana Independent Telecommunications Systems, LLC
(MITS)

Bonnie Lorang, General Manager
2021 Eleventh Ave, Ste 12
Helena MT 59601

December 29, 2011

Montana Independent Telecommunications Systems, LLC (MITS) respectfully submits its response to comments filed in the matter of Triangle Communication System, Inc.'s (TCS) Petitions for Agreement in Redefining the Service Areas of Rural Telephone Companies in Montana.¹

INTRODUCTION

MITS is a statewide association of Montana rural telecommunications providers serving approximately two-thirds of Montana's vast land mass.² MITS members are rate-of-return rural incumbent companies deploying telecommunications services and broadband. Their service areas range from approximately 1,000 to 30,000 square miles.

To illustrate the size of the service areas of MITS members, one may compare their telephone service areas to the landmass area of two particular states. One of MITS members serves an area approximately the size of Rhode Island. Another MITS member serves an area approximately the size of South Carolina. The average population density of the areas served by MITS members is 1.6 persons per square mile. MITS members serve no Metropolitan Areas.

MITS and its member companies support the petition of Triangle Communication System, Inc. seeking Eligible Telecommunications Carrier (ETC) designation within a redefined service area of Central Montana Communications and Triangle Telephone Cooperative Association, Inc.

¹ Wireless Competition Bureau Initiates Proceeding to Consider Triangle Communication System, Inc.'s Petitions for Agreement in Redefining the Service Areas of Rural Telephone Companies in Montana, WC Docket No 09-197, *Public Notice*, DA-11-1884 (November 14, 2011).

² MITS members are Nemont Telephone Cooperative, Northern Telephone Cooperative, Project Telephone Company, Triangle Telephone Cooperative Association, Central Montana Communications, InterBel Telephone Cooperative and Mid-Rivers Telephone Cooperative, Inc.

COMMENTARY

1. The Montana Public Service Commission has twice affirmed the ETC designation for TCS within the redefined study area. It is in the public interest. The Federal Communications Commission (FCC) should concur.

The Montana Public Service Commission (MPSC) and the FCC are key partners in ETC designations involving study area redefinitions within the State of Montana. The MPSC, like the FCC, has a strong interest in extending voice and broadband service, both fixed and mobile, to areas where consumers have little or no access to such services. The FCC can be assured that the MPSC conducted a thorough analysis before unanimously concluding in two separate Orders that the redefinition and subsequent designation of TCS as an ETC was in the public interest.³

The Montana Telecommunications Association (MTA), among whose members are those that serve Montana's three Metropolitan Areas, "believes" the FCC should "delve deeper" into the TCS application.⁴ MTA's unsubstantiated commentary once again evidences its preferred tactic of opposition: delay, delay, delay. Those who would be most harmed by further delay in this redefinition proceeding are the rural consumers still waiting for access to mobile communications within this remote area of service.

2. The FCC's CAF Order sets the stage for Phase I and Phase II Mobility Fund Support. FCC concurrence with the MT PSC decisions is essential for TCS to seek Mobility Fund Support.

The FCC's Connect America Fund Order (CAF Order)⁵ issued November 18, 2011, establishes the guidelines and process for Phase I and Phase II Mobility Fund support. ETC

³ *In the Matter of Triangle Communication System, Inc.* Application for Designation as an Eligible Telecommunications Carrier, Docket No. D2004.1.6, MT Public Service Commission Final Order No. 6723a (May 8, 2007) and MT Public Service Commission Reconsideration Order No. 6723b (July 26, 2007).

⁴ WC Docket 09-197, Comments of Montana Telecommunications Association, December 14, 2011, p 3.

⁵ *In re Connect America Fund*, WC Docket No. 10-90, *A National Broadband Plan for Our Future*, GN Docket No. 09-51, *High-Cost Universal Service Support*, WC Docket No. 05-337, *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, *Lifeline and Link-Up*, WC Docket No. 03-109, *Universal Service Reform – Mobility*

designation is the most basic eligibility prerequisite common to those seeking Phase I and/or Phase II Mobility Fund support from the CAF.

*We generally adopt our proposal and require that Mobility Fund Phase I participants be ETCs prior to participating in the auction. As a practical matter, this means that parties that seek to participate in the auction must be ETCs in the areas for which they will seek support at the deadline for applying to participate in the auction.*⁶

*...We propose to require that parties seeking Mobility Fund Phase II support satisfy the same eligibility requirements that we have adopted with respect to Phase I.*⁷

The CAF Order issued November 18, 2011, highlights the ongoing partnership between States and the FCC. It further emphasizes the importance of timely ETC designation providers intending to participate in the Mobility Fund.

*....parties contemplating requesting new designations as ETCs for purposes of participating in the auction should act promptly to begin the process. The Commission [FCC] will make every effort to process such applications in a timely fashion, and we urge the states to do likewise.*⁸

TCS filed its application with the MPSC in January of 2004. In May of 2007, the MPSC designated TCS as an ETC within the redefined study area. It reaffirmed ETC designation and redefinition in a Reconsideration Order issued in July of 2007. TCS promptly filed its initial request for FCC concurrence the following month. Yet today, it still anxiously awaits FCC approval of its petition.

Over the past eight years, TCS has demonstrated incredible patience and perseverance as it has waited for regulatory approval so that it may provide mobile communications to

Fund, WT Docket No. 10-208, Report and Order and Further Notice of Proposed Rulemaking, FCC 11-161 (November 18, 2011) (“CAF Order”).

⁶ Id. at ¶389.

⁷ Id. at ¶1140.

⁸ Id. at ¶390.

subscribers within the costly-to-serve, remote redefined service area. Rural consumers within those areas acknowledge TCS's commitment as they too have waited for the regulatory decisions affecting their access to communications.

*"Thanks to TCS for wanting to extend wireless communications in this area. There is very little cell phone coverage in this area due to terrain. This raises a safety issue for residents and travelers alike....An elderly man died over New Years because he had vehicle trouble and was walking toward a cabin for shelter. If there had been cell phone service, surely he would have been rescued."*⁹

SUMMARY

MITS respectfully urges the FCC to concur with the MPSC and promptly designate TCS as an ETC within the redefined study area so that TCS may seek CAF Mobility Funds required to deploy mobile telecommunications and broadband to consumers living and working in its frontier service area.

Respectfully submitted,

Montana Independent Telecommunications Systems, LLC.

By: _____/s/_____

Bonnie Lorang
General Manager
2021 Eleventh Ave., Ste 12
Helena MT 59601
406.443.1940

Dated: December 29, 2011

cc: Best Copy and Printing, Inc.
Joseph Cavender, Telecommunications Access Policy Division, WCB
Charles Tyler, Telecommunications Access Policy Division, WCB

⁹ Letter to FCC, Bill and Ruth Mitchell, Dodson, MT, CC 96-45, DA 07-4719, January 9, 2008.